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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

C

No. 08-1827

DIANE ROSETSKY,
Appellant
v.

NATIONAL BOARD OF MEDICAL EXAMINERS
OF THE UNITED STATES OF AMERICAN, INC.

Appeal from the United States District Court
for the Eastern District of Pennsylvania
No. 2-07-cv-03167 *file*
(District Judge: The Honorable Stewart Dalzell)

FILED
NOV 17 2009
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Before: McKEE, HARDIMAN and VAN ANTWERPEN *Circuit Judges.*

Submitted pursuant to Third Circuit LAR 34.1(a)
June 11, 2009

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 31.1 on June 11, 2009.

On consideration whereof, it is hereby ORDERED and ADJUDGED by this Court that the judgment of the Eastern District of Pennsylvania entered February 19, 2008, is


AFFIRMED insofar as it grants summary judgment in favor of the National Board of Medical Examiners on the Rosetsky's claims under the ADEA; the judgment is VACATED, insofar as it purported to grant summary judgment in favor of the National Board of Medical Examiners under the Pennsylvania Human Relations Act, 43 Pa. Stat. Ann. § 955. The matter is REMANDED as to the latter claim with instructions to dismiss that claim for lack of subject matter jurisdiction. Costs Taxed against Appellant.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: 26 October 2009


Certified as a true copy and issued in lieu
of a formal mandate on 17 Nov 2009
Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit